



TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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OFFICE OF PETITIONS

In re Reissue Application No 10/807,554 :
Filed: March 22, 2004 :
Original Patent No. 6,406,853 :
Issue Date: June 18, 2002 :
Patentee: Spindler. :
Attorney Docket No.: 02307O-010111US :

ON PETITION

This is a decision on the petition filed June 17, 2004 under 37 CFR 1.182, which is being treated as a petition under 37 CFR 1.53(e) requesting that the above-identified reissue application be accorded a filing date of March 22, 2004 with an indication that all 272 pages of the specification from the patent were present on filing.

The petition is granted.

The above-identified application papers were deposited on March 22, 2004

However, on May 21, 2004 the Office of Initial Patent Examination mailed a formalities letter indicating that while a filing date had been granted to the papers, the papers were informal as they lacked an abstract and, further, that pages 49 (sic, columns) through 270 of the patent file were missing.

In reply, on June 17, 2004, the instant petition was filed, along with the required abstract. Petitioner asserts that all 270 columns of the patent were received by the USPTO and that such was confirmed during a telephone conversation with a USPTO employee.

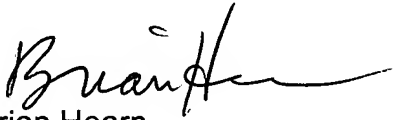
Inspection of the instant IFW records reveals that, in fact, on March 22, 2004 the allegedly missing pages were received by the USPTO and were among those documents scanned into the IFW record. These 110 pages were entitled as APPE (appendix) and by inspection contain columns 49 through 270 of the patent, which as issued contained these pages an appendix. The USPTO regrets the error and inconvenience. The informalities letter is vacated to the extent it indicated that pages 49 through 270 were missing.

The \$130 petition fee is being credited to counsel's account.

The undersigned has appended a notation to the APPE document indicating that such contains the allegedly missing columns of specification.

This application is being referred to OIPE for further processing with the abstract filed June 17, 2004, and an indication that all 270 pages (columns) from the original patent were present on filing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-1820.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a long horizontal flourish extending to the right.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy